



TOWN OF SURFSIDE BEACH ♦ TOWN COUNCIL CHAMBERS
November 3, 2009 ♦ 6:30 P.M.

PLANNING & ZONING COMMISSION
PUBLIC HEARING
AND
MEETING MINUTES

1. **CALL TO ORDER**

Chairman Hanson called the Planning & Zoning meeting to order at 6:30 PM. In attendance were: Chairman Hanson and Planning & Zoning commission members Seibold, Saunders and Cook. Commission members Culbertson, Smith and Livesay and Building Director Donevant were absent. There was a quorum. Staff present: Waccamaw Council of Government Planner Britton, Town Administrator Ed Booth and Clerk Pinnell.

2. **PLEDGE OF ALLEGIANCE.**

Chairman Hanson led the pledge of allegiance.

3. **AGENDA APPROVAL**

Mr. Seibold made a motion to approve the agenda as submitted. Mr. Saunders seconded the motion. **All voted in favor. MOTION CARRIED.**

4. **MINUTES APPROVAL**

Ms. Cook made a motion to approve the minutes as submitted. Mr. Saunders seconded the motion. **All voted in favor. MOTION CARRIED.**

Mr. Hanson thanked Mr. Booth and Town Council for challenging the commission to go through and review the entire zoning ordinance adding that it was in great need of being reviewed. Mr. Hanson thanked Mr. Britton from the Waccamaw Regional Council of Governments for his assistance in this process adding that the commission could not have reviewed these without him.

Mr. Britton summarized the status of the zoning ordinances. Mr. Britton stated that the State law and towns' code of ordinances delegates the responsibility and duty to the Planning and Zoning Commission to periodically review the towns zoning ordinance and to periodically make recommendations to the town council on any needed changes. The zoning ordinance was adopted in 1980 and there have been 72 amendments since that time. With the number of amendments made over the years and the time that has passed since its adoption there was a real need to go through and review the zoning ordinance. This entailed a cover to cover review starting with Article I and concluding with the review of Article VIII. From this review the commission has compiled a listing of potential areas where amendments may be needed to the ordinance; this is provided in two listings. One list includes technical items and the other is policy issues (attached). There are some items in the zoning ordinance which need to address changes to state laws.

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There are approximately 40 technical items which are housekeeping in nature and would not significantly affect the current administration of the ordinance; they just clarify. Mr. Britton stated that some of these items include adding definitions and illustrations. There were 20 items identified under the policy items. These were identified after review by the commission. Some of these items are simple and some are more complex and some could potentially be controversial. Mr. Britton gave a brief summary of items included in the policy sections. P-2, P-10 and P11 deal with uses addressed in the town and some technical items identified some discrepancies between Article III and Article IV. From a policy standpoint uses are addressed either by right or conditional use under the towns' existing ordinance. The State law allows communities to provide special exception; a special exception is a use that is specifically listed in the ordinance but because of the type of nature of the use, requires a higher level or board level review. Mr. Britton stated that for example, special examples commonly include non-residential uses in residential districts which the ordinance currently permits; churches, hospitals, public uses etc. are allowed in residential districts and under the towns' existing ordinance they are permitted by conditional. One of the policy items identified by the commission would be to create a special exception provision in the ordinance where some of those uses, specifically in the residential areas, would be transitioned from a conditional use to a special exception type of permit which means that if something non-residential wanted to locate in the R-1 or R-2 district it would require a public hearing and public notice and a decision by the Board of Zoning Appeals whether to grant a permit or not; this would be a substantial change to the existing ordinance.

Mr. Britton stated that another item identified by the commission was the potential or possibility of creating a mixed use district. The current zoning ordinance does not provide a transitional district. Currently there are two primary commercial districts C-1 and C-2 with no step-down district from the higher intensity districts; there is no provision for a neighborhood commercial or neighborhood professional type of district. Mr. Britton stated that the possibility of creating a low intensity commercial or professional district intermixed with residential uses was discussed. Another item identified on the policy listing was creating a floor area ratio requirement for the R-2 district. One of the concerns mentioned by the commission was the potential of incompatibility especially in the R-2 district between some of the single family residential structures and duplexes that had recently been constructed; the issue was the scale of structures, duplexes compared to adjacent single family structures on the same street or within the same area. The commission discussed several ways to potentially address the issue; the attempt was made through the implementation of and amendment to the ordinances a while ago regarding roof pitch requirements. The floor area ratio (FAR) requirement would be created for duplex construction within the R-2 district. The preliminary number discussed was a .4 FAR requirement for duplexes. Mr. Britton reported that another item identified deals with the manufactured and mobile home district; in the technical listing the need to update some of the definitions was discussed but another concern with this district is lack of specific requirements. Minimum standards would be set for this district; the standards would not affect the existing dwellings but would be geared towards new structures being brought in. The manufactured home units being brought in would need to be upgraded.

97 Mr. Britton reported that there were also dimensional requirements reviewed and the
98 most significant was dealing with setbacks along Highway 17 in the C-1 district. The
99 current setback is 75 feet; this standard has created a number of non-conforming
100 structures and is out of line with the current County provision and it was discussed
101 changing this to 50 feet from right of way. One of the items also discussed in detail was
102 the issue of corner lots. One of the problems with the current ordinance is there is a
103 floating front yard setback for the corner lots which is determined by the address and
104 could create a situation where there is an uncertainty. Under the policy items listed the
105 corner lot front setback would be determined by the shortest dimension of the lot which
106 would create a uniform setback along these lots. Mr. Britton reported that there was also
107 some discussion on signage standards; setting sign illumination standards was discussed.
108 Parking standards and landscaping was discussed. Sections of the tree preservation
109 ordinance were also reviewed; one of the concerns was the change from the acre
110 requirement to the lot requirement as it related to the size of the lot. In the R-3 the
111 requirement is 5 trees per lot with lot sizes starting at 3,000 square feet. The unintended
112 consequence of this is that in order to comply with the planting requirement or
113 maintenance requirement the trees have to be fairly small to midsize because once you
114 get a substantial canopy or a tree with a substantial diameter it would be very difficult to
115 meet that number requirement for the size of the lot that an individual would have to
116 work with. The consequence is that it makes big trees less valuable than small trees to a
117 property owner trying to comply with the ordinance. The change discussed is to change
118 the requirement to lower the number of trees required but to insert a caliper inch
119 requirement. This would encourage the retention of large trees as opposed to the current
120 requirement that only addresses numbers. Other potential policy items addressed dealt
121 with the mitigation fund.

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123 Mr. Britton stated that the public hearing is being held to hear comments regarding these
124 points presented; there is no text amendments drafted or prepared at this point in time.
125 There will be additional opportunities for the public to give input once the amendment
126 texts are drafted; a public hearing will be held.

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128 Mr. Booth stated that the town council appreciates all the work the commission has
129 undertaken. Mr. Booth stated that council has asked to place two ordinances up front for
130 review; one is the sign ordinance and the other is the 50 foot setback. Construction is
131 anticipated to be on the rise with the new Walmart going in. Mr. Booth presented a
132 design plan for a new building Home Accents II that will be going up in Surfside. Mr.
133 Booth stated that the town has a problem with run down strip malls and new construction
134 in the place of them is prevented due to the current setback restrictions.

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136 Mr. Hanson stressed that these are just proposed items being presented and nothing is
137 final at this point in time. These will be proposed to council and staff will prepare the
138 text once comments are received from the public and these are reviewed by council.

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5. PUBLIC HEARING

Technical Items

There were no public comments on the technical items.

Policy Items

Joe Zoltak, 414 Pine Drive: “I listened to your discussion here. As you develop the language for each one of these will there be public hearings on each item? When you develop it you will come back and have a public hearing on actual language?”

Mr. Hanson: “If the council approves these items we will develop language over the next six months and then it will come back to another public hearing before it becomes an ordinance.”

There were no other public comments. The public hearing was closed.

6. PUBLIC COMMENTS

There were no public comments on any other items.

7. COMMISSION COMMENTS

Mr. Saunders: “We have put a lot of time into what we’ve done here and I want you folks out there, and as I look out I see several of you who have given us some ideas. I know you have given me things that you wanted to see incorporated in here and when you look through there I’m sure you will see some of those items have been addressed and when it comes down to the actual verbage of the ordinance you’ll have another chance to look at that. We didn’t pull these things out of thin air since most of it came from what we knew you were saying.”

Mr. Seibold: “I was just looking at the comments I think we have covered in a discussion previously so I think we’re in pretty good shape.”

Mr. Hanson: “The only comment I have is that we did look at several other towns and their ordinances and if they had a phrase or a paragraph that we thought was pretty good we had no hesitation of borrowing it seeing how it was not copyrighted and so we have tried to look at the best of the best; the best towns and what they had and use some of their language. If there are no other comments, I will move for adjournment.”

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8. ADJOURNMENT

Mr. Saunders made a motion to adjourn. Ms. Cook seconded the motion. The meeting was adjourned at 6:57 PM.

Approved: January 5, 2010

Sharon Pinnell,
Town Clerk

Bob Hanson, Chairman

APPROVED

Lynn Livesay, Commission Member

Ron Saunders, Commission Member

John Culbertson, Commission Member

Carol Cook, Commission Member

Charles Seibold, Commission Member

Rod Smith, Commission Member

NOTE: BE ADVISED THAT THESE MINUTES REPRESENT A SUMMARY OF THE PLANNING COMMISSION MEETING AND ARE NOT INTENDED TO REPRESENT A FULL TRANSCRIPT OF THE MEETING. THE TAPE(S) OF THE MEETINGS ARE AVAILABLE UPON REQUEST, TO BE HEARD IN THE OFFICE OF THE SECRETARY TO THE PLANNING DEPARTMENT. AN AGENDA OF THIS MEETING HAS BEEN EITHER MAILED OR MADE AVAILABLE TO PERSONS, ORGANIZATIONS AND LOCAL NEWS MEDIA AS PER THEIR REQUEST. THE AGENDA GIVES THE DATE, TIME AND PLACE OF THE MEETING AS WELL AS THE ORDER OF BUSINESS. THIS DISCLOSURE IS IN COMPLIANCE WITH THE SOUTH CAROLINA CODE OF LAWS OF 1976, SECTION 30-4-80(E).